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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/783,842      | 02/15/2001  | Diana Brown Nolte    | 290-035us           | 2576             |

7590 05/19/2005

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| EXAMINER |
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KANG, PAUL H

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| ART UNIT | PAPER NUMBER |
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2141

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/783,842

Applicant(s)

NOLTE ET AL.

Examiner

Paul H. Kang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Examiner Sajid Yussuf is no longer assigned to the present patent application. This application is now assigned to Examiner Paul H. Kang. In examining this patent application, full faith and credit has been given to the search and action of the previous examiner. MPEP § 719.05.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

**Alpdemir et al. (US Patent Application Publication No. 2002/0035474, hereinafter “Alpdemir”) in view of Bauer et al., (US Patent No. 6,026,151 and hereinafter “Bauer”).**

3. As per claim(s) 1, 7, 13, and 19 Alpdemir substantially discloses the invention as claimed. Alpdemir teaches receiving, via a data network, at least one keyword from a patron; querying a database with said at least one keyword to determine a plurality of candidate resource providers; transmitting a list of said plurality of candidate resource providers to said patron; receiving from said patron an indication that said patron desires a telecommunication session with one of said candidate resource providers, and initiating a telecommunication session between said patron and said one of said candidate resource providers, (See Paragraph(s) 0136-0141).

However, Alpdemir does not explicitly teach a system and method comprising compiling a database of resource providers and their associated information, wherein said associated information for each of said resource providers includes one or more keywords that are indicative of said resource provider, an indication of whether said resource provider accepts voice, video, or text telecommunication sessions via public switched telephone network, an indication of whether said resource providers accepts voice, video, or text telecommunications sessions via a data network, and an indication of whether said resource provider is immediately available to communicate with a patron; indexing each of said resource provider's entries in said database by said at least one keyword; receiving contact information and preferences from a patron.

In the same field of endeavor, Bauer teaches a system and method comprising compiling a database of resource providers and their associated information, wherein said associated information for each of said resource providers includes one or more keywords that are indicative of said resource provider, an indication of whether said resource provider accepts voice, video, or text telecommunication sessions via public switched telephone network, an indication of whether said resource providers accepts voice, video, or text telecommunications sessions via a data network, and an indication of whether said resource provider is immediately available to communicate with a patron; indexing each of said resource provider's entries in said database by said at least one keyword; receiving contact information and preferences from a patron (See Bauer, col. 1, lines 14 – col. 2, line 31 and Figs. 1 and 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the database comprising ISP information as taught by Bauer into the system of Alpdemir for the purpose of enabling an efficient selection of ISPs.

4. As per claim(s) 2, 8, 14, and 20 Alpdemir-Bauer teaches the claimed invention as described in claim(s) 1, 7, 13, 19 above and furthermore discloses said telecommunication session is a voice telecommunication session and said telecommunication session is established via a public switched telephone network, (See Paragraph(s) 0136-0138).

5. As per claim(s) 3, 9, 15, 21 Alpdemir-Bauer teaches the claimed invention as described in claim(s) 1-2, 7-8, 13-14, 19-20 above and furthermore discloses said telecommunication session is a voice telecommunications session and said telecommunication session is established via said data network, (See Paragraph(s) 0136-0139).

6. As per claim(s) 4, 10, 16, 22 Alpdemir-Bauer teaches the claimed invention as described in claim(s) 1-3, 7-9, 13-15, 19-21 above and furthermore discloses said telecommunication session is text telecommunication session and said telecommunication session is established via said data network, (See Paragraph(s) 0119-0131).

7. As per claim(s) 5, 11, 17, 23 Alpdemir-Bauer teaches the claimed invention as described in claim(s) 1-4, 7-10, 13-16, 19-22 above and furthermore discloses an operator of said data

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processing system selects said resource provider based on whether said resource provider is immediately available to communicate with said patron, (See Paragraph(s) 0222-0230).

8. As per claim(s) 6, 12, 18, 24 Alpdemir-Bauer teaches the claimed invention as described in claim(s) 1-5, 7-11, 13-17, 19-23 above and furthermore discloses said data processing system is a world wide web site and said data network is the Internet, (See Paragraph(s) 0119).

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

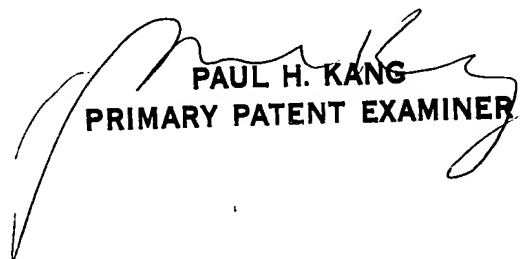
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H. Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**PAUL H. KANG**  
**PRIMARY PATENT EXAMINER**